

NOTICE OF PUBLICATION AND NOTICE OF PUBLIC HEARING

Notice is hereby given that the Council of the County of Kaua'i will hold a public hearing on Wednesday, February 25, 2015, at 1:30 p.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Lihue, on the following:

Bill No. 2576

A BILL FOR AN ORDINANCE ESTABLISHING REGULATIONS, PROCEDURES, ZONING, DEVELOPMENT PLANS, AND FUTURE GROWTH AREAS FOR THE SOUTH KAUAI PLANNING DISTRICT, AND ESTABLISHING EXCEPTIONS, MODIFICATIONS, AND ADDITIONS TO CHAPTER 8 AND CHAPTER 9, KAUAI COUNTY CODE 1987, AS AMENDED

This Bill proposes to establish regulations, procedures, zoning, development plans, and future growth areas for the South Kaua'i Planning District, and establish exceptions, modifications, and additions to Chapter 8 and Chapter 9, Kaua'i County Code 1987, as amended. The purpose of this Bill is to repeal Chapter 10, Article 6, Kaua'i County Code 1987, as amended (Kōloa-Po'ipū-Kalāheo Development Plan) and replace it with the new South Kaua'i Community Plan (current draft available at <http://www.southkauaicp.com/>). Accompanying the South Kaua'i Community Plan are new regulations identified as the South Kaua'i Form-Based Code, for three (3) Special Planning Areas. The South Kaua'i Form-Based Code is attached as Appendix "C" to the South Kaua'i Community Plan, and the proposed Special Planning Areas are identified in the zoning maps attached to this Bill as Exhibits "1"- "3."

All interested persons who wish to present their comments may do so at the public hearing. Written testimonies prior to the hearing would be appreciated. Copies of the proposed ordinance are available at the Office of the County Clerk, Council Services Division.

(The Council Committee or Council may amend this Bill at its subsequent meetings. Meeting notices are posted at least 6 days in advance at the County Clerk's Office and the public may also testify at any of these meetings.)

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that the foregoing Bill No. 2576 was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on January 28, 2015, by the following vote:

AYES: Chock, Hooser, Kagawa, Kualii, Yukimura, Rapozo	TOTAL - 6,
NOES: None	TOTAL - 0,
EXCUSED & NOT VOTING: None	TOTAL - 0,
RECUSED & NOT VOTING: Kaneshiro	TOTAL - 1.

Lihue, Hawai'i
January 28, 2015

/s/ Ricky Watanabe
County Clerk, County of Kaua'i

NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LIHUE, KAUAI, HAWAII, 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

(One publication - The Garden Island - February 2, 2015)

**A BILL FOR AN ORDINANCE ESTABLISHING REGULATIONS,
PROCEDURES, ZONING, DEVELOPMENT PLANS, AND FUTURE
GROWTH AREAS FOR THE SOUTH KAUAI PLANNING DISTRICT, AND
ESTABLISHING EXCEPTIONS, MODIFICATIONS, AND ADDITIONS TO
CHAPTER 8 AND CHAPTER 9,
KAUAI COUNTY CODE 1987, AS AMENDED**

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. Findings and purpose. The Council of the County of Kauai finds that the South Kauai Community Plan was completed by the Planning Department to update what is known as the Koloa-Po'ipū-Kalāheo Development Plan of 1978 (Ordinance No. 447). The South Kauai Community plan was developed through a robust public participation program and with guidance from a citizens advisory committee.

The purpose of this Bill is to repeal Chapter 10, Article 6, Kauai County Code 1987, as amended (Koloa-Po'ipū-Kalāheo Development Plan) and replace it with the South Kauai Community Plan. Accompanying the South Kauai Community Plan are new regulations identified as the South Kauai Form-Based Code, for three (3) Special Planning Areas. The South Kauai Form-Based Code is attached as Appendix "C" to the South Kauai Community Plan, and the proposed Special Planning Areas are identified in the zoning maps attached to the Ordinance effectuated by this Bill.

SECTION 2. The content of Chapter 10, Article 6, Kauai County Code 1987, as amended (Koloa-Po'ipū-Kalāheo Development Plan) is hereby repealed.

SECTION 3. The content of Chapter 10, Article 6, Kauai County Code 1987, as amended is replaced by adding new sections as follows:

"Article 6. South Kauai Community Plan

Section 10-6.1 Title and Purpose.

(a) This Article shall be known and may be cited as the "South Kauai Community Plan Ordinance." It is adopted:

(1) To provide design and development standards in order to implement the detailed planning goals and objectives for the South Kauai area, such as providing for appropriately scaled infill development that will support vibrant town cores and a mix of housing types in Koloa Town, Kalāheo Town, and the Po'ipū Roundabout area;

(2) To provide for the housing needs of the district's projected population growth in areas adjacent to existing employment centers in order to create new walkable centers and enhance existing town cores;

(3) To establish special planning areas, future growth areas, land uses, and development and design standards to guide and regulate future development;

(4) To protect certain physical characteristics found to be of particular public value, as provided in Chapter 8, Article 11, Section 6, Kaua'i County Code 1987, as amended (Special Planning Areas); and

(5) Establish exceptions, modifications, or additions to the provisions of Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua'i County Code 1987, as amended (Subdivision Ordinance) in order to more specifically provide for the regulation of land use, subdivision, and development practices within the South Kaua'i Planning District.

(b) Nature of the South Kaua'i Community Plan Ordinance. This Article provides the necessary framework and guidelines to direct future development and capital improvements in the South Kaua'i Planning District, whose boundary includes Kōloa, Po'ipū, Kalāheo, 'Oma'o and Lāwa'i. Additionally, this Article supplements Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua'i County Code 1987, as amended (Subdivision Ordinance) by regulating use and development standards within the South Kaua'i Special Planning Areas, as identified in the zoning maps attached to the Ordinance effectuated by this Bill.

(c) The administrative guidelines of this Article are based on the report entitled "South Kaua'i Community Plan," whose major components include:

- (1) The South Kaua'i Community Land Use Map
- (2) The South Kaua'i Multimodal Roadway Network Map
- (3) Illustrative Streetscapes and Roadway Cross-Sections
- (4) Policies and Guidelines
- (5) Implementation Action Plan

Section 10-6.2 Vision and Goals

The vision and goals for the region as a whole, and Kōloa, Po'ipū, Kalāheo, 'Oma'o and Lāwa'i, are described as follows:

(a) Vision for the South Kaua'i Planning District. South Kaua'i is comprised of distinct rural communities, each embracing its own rich cultural, natural, and historic heritage but well-connected through safe and efficient transportation networks. Balanced, responsible development enhances existing communities, preserving the local rural lifestyle that embodies South Kaua'i and is cherished by residents and visitors alike.

(b) Vision for Kōloa. Kōloa will be a thriving commercial and residential community that maintains its rural feel and historic "old town" charm by preserving, enhancing, and protecting its vast cultural treasures.

(c) Vision for Po'ipū. Po'ipū will be a world-class, sustainable resort destination, serving residents and visitors alike, developed responsibly, with clean, healthy beaches and ocean environments, welcoming parks, and preserved heritage resources, all well-connected and accessible to everyone.

(d) Vision for Kalāheo. Kalāheo will remain as a residential community enhanced by a neighborhood-scaled commercial center and supported by small local businesses.

(e) Vision for 'Ōma'o. 'Ōma'o will maintain its value as a small rural residential community.

(f) Vision for Lāwa'i. Lāwa'i will remain a rural crossroads with a limited commercial area centered on the Post Office and Old Cannery.

Section 10-6.3 Special Provisions Applicable to the South Kaua'i Planning District

(a) The provision in Section 10-6.3(b) of this Article establishes exceptions, modifications, or additions to Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua'i County Code 1987, as amended (Subdivision Ordinance).

(b) Open District. No parcel within the State Land Use Commission's Agricultural District and zoned Open District by the County shall be subdivided into more than ten (10) lots. Parcels so subdivided shall not be further resubdivided unless reclassified into the Urban District by the State Land Use Commission.

Section 10-6.4 Application of Regulations

(a) The South Kaua'i Form-Based Code, attached as Appendix "C" to the South Kaua'i Community Plan, is by reference incorporated herein and made a part hereof. The provisions of the South Kaua'i Form-Based Code shall apply to all new development located within the Special Planning Areas, as identified in the zoning maps attached to the Ordinance effectuated by this Bill.

(b) The regulations and procedures established in Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) shall apply within the Special Planning Areas of the South Kaua'i Planning District, except to the extent that such regulations or procedures are changed or modified by the provisions of the South Kaua'i Form-Based Code. When the provisions of this Article differ with respect to the provisions of Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance) and Chapter 9, Kaua'i County Code 1987, as amended (Subdivision Ordinance), the South Kaua'i Form-Based Code shall supersede such provisions as provided in Chapter 8, Article 11, Kaua'i County Code 1987, as amended (Special Treatment Districts (ST)).

Section 10-6.5 Existing Conditions

(a) This Article does not mandate the immediate modification of structures and uses lawfully in existence upon the enactment of this Article.

(b) The requirements of this Article will not be triggered by routine maintenance not requiring a zoning permit.

(c) Existing Buildings and Structures. Buildings and structures lawfully in existence upon the enactment of this Article that do not conform to the provisions of this Article are subject to the requirements of Chapter 8, Article 13, Section 1, Kaua'i County Code 1987, as amended (Nonconforming Buildings and Structures).

(d) Existing Uses. Uses lawfully in existence upon the enactment of this Article that are not consistent with the Special Planning Areas will be allowed to continue on the parcel of record as provided in Chapter 8, Article 13, Section 2, Kaua'i County Code 1987, as amended (Nonconforming Uses).

Section 10-6.6 Special Planning Areas, Designation, and Procedures.

(a) Designation of Special Planning Areas "H," "I," and "J." The boundaries of the following form-based code districts are hereby adopted as described in the South Kaua'i Form-Based Code, attached as Appendix "C" to the South Kaua'i Community Plan, and shall be referred to as follows:

(1) Special Planning Area "H," which shall also be known as the "Kōloa Town Walkable Mixed Use District" and be designated as "SPA-H" as shown on the zoning map attached to the Ordinance effectuated by this Bill as Exhibit "1."

(2) Special Planning Area "I," which shall also be known as the "Kalāheo Town Walkable Mixed Use District" and be designated as "SPA-I" as shown on the zoning map attached to the Ordinance effectuated by this Bill as Exhibit "2."

(3) Special Planning Area "J," which shall also be known as the "Po'ipū Roundabout Walkable Mixed Use District" and be designated as "SPA-J" as shown on the zoning map attached to the Ordinance effectuated by this Bill as Exhibit "3."

(b) Designation of Zoning Maps. In order to carry out the purpose of this Article, the zoning maps KM-KO 300, ZM-KL 300, and KM-KU 300 of Chapter 8, Kaua'i County Code 1987, as amended (Comprehensive Zoning Ordinance), are hereby amended.

Section 10-6.7 Implementation of the South Kaua'i Community Plan

The Planning Department shall develop an outreach program to work with existing community organizations and interested individuals to implement the South Kaua'i Community Plan and shall report on the progress made towards implementation, as well as the monitoring of community indicators, to the Planning Commission on an annual basis."

SECTION 4. Severability. If any provision of this Ordinance or application thereof to any person, persons, or circumstances is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 5. When revising, compiling, or printing this Ordinance for inclusion in the Kaua'i County Code 1987, as amended, the designated Ordinance number of this Ordinance shall be substituted into the blank spaces located in Sections 10-6.1(b), 10-6.4(a), and 10-6.6(a)(1)-(3).

SECTION 6. Material to be deleted is bracketed. New material is underscored. When revising, compiling, or printing this Ordinance for inclusion in the Kaua'i County Code 1987, as amended, the brackets, bracketed material, and underscoring need not be included.

SECTION 7. This Ordinance shall take effect upon its approval.

Introduced by:



MASON K. CHOCK
(By Request)

DATE OF INTRODUCTION

January 28, 2015

Līhu'e, Kaua'i, Hawai'i

V:\BILLS\2014-2016 TERM\South Kauai Community Plan Ordinance JA:aa

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2576, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on January 28, 2015, by the following vote:

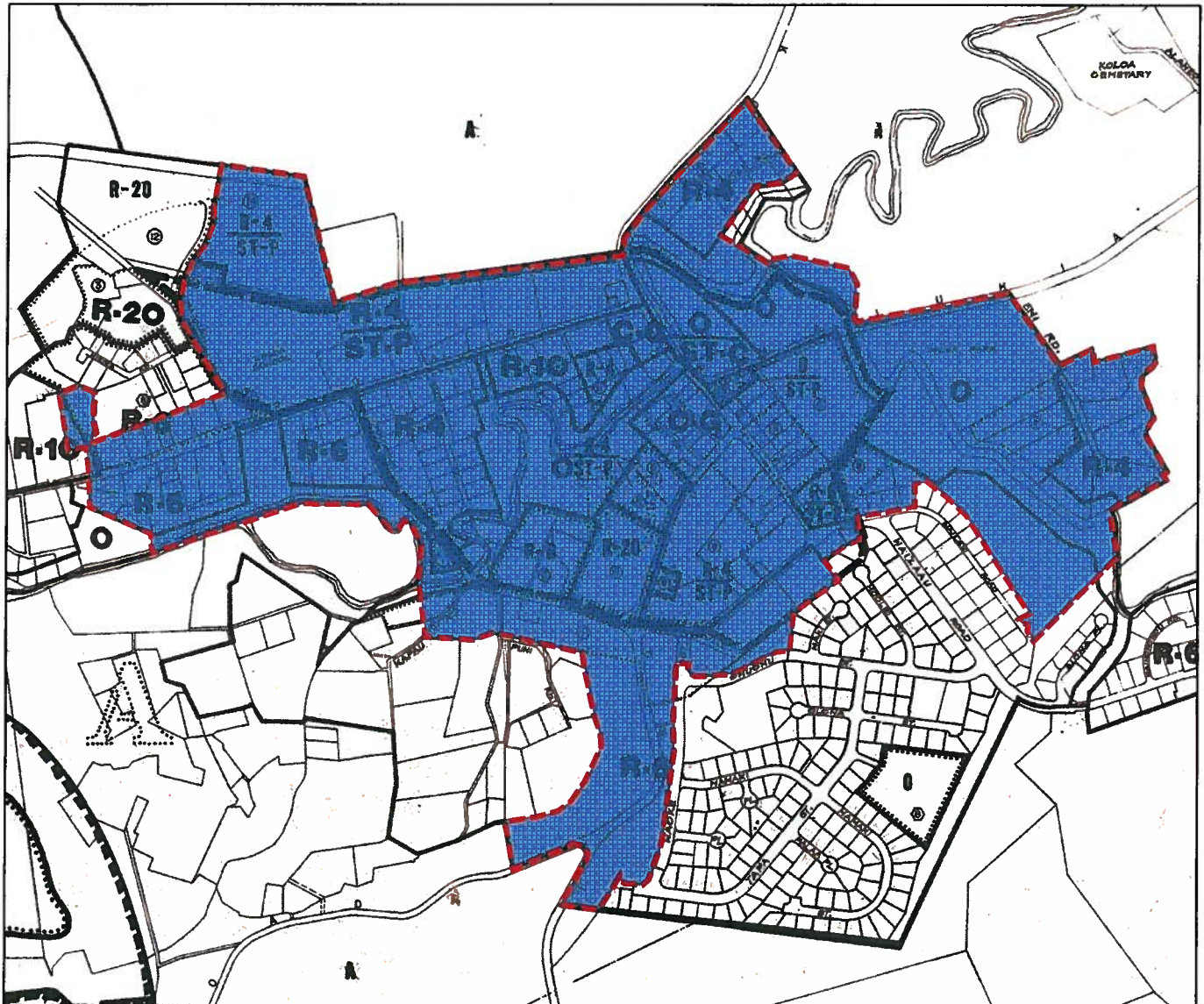
FOR PASSAGE:	Chock, Hooser, Kagawa, Kuali'i, Yukimura, Rapozo	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	Kaneshiro	TOTAL – 1.

Līhu'e, Hawai'i
January 28, 2015

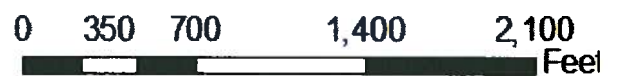
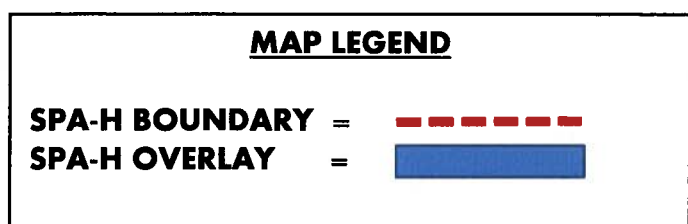


Ricky Watanabe
County Clerk, County of Kaua'i

EXHIBIT 1

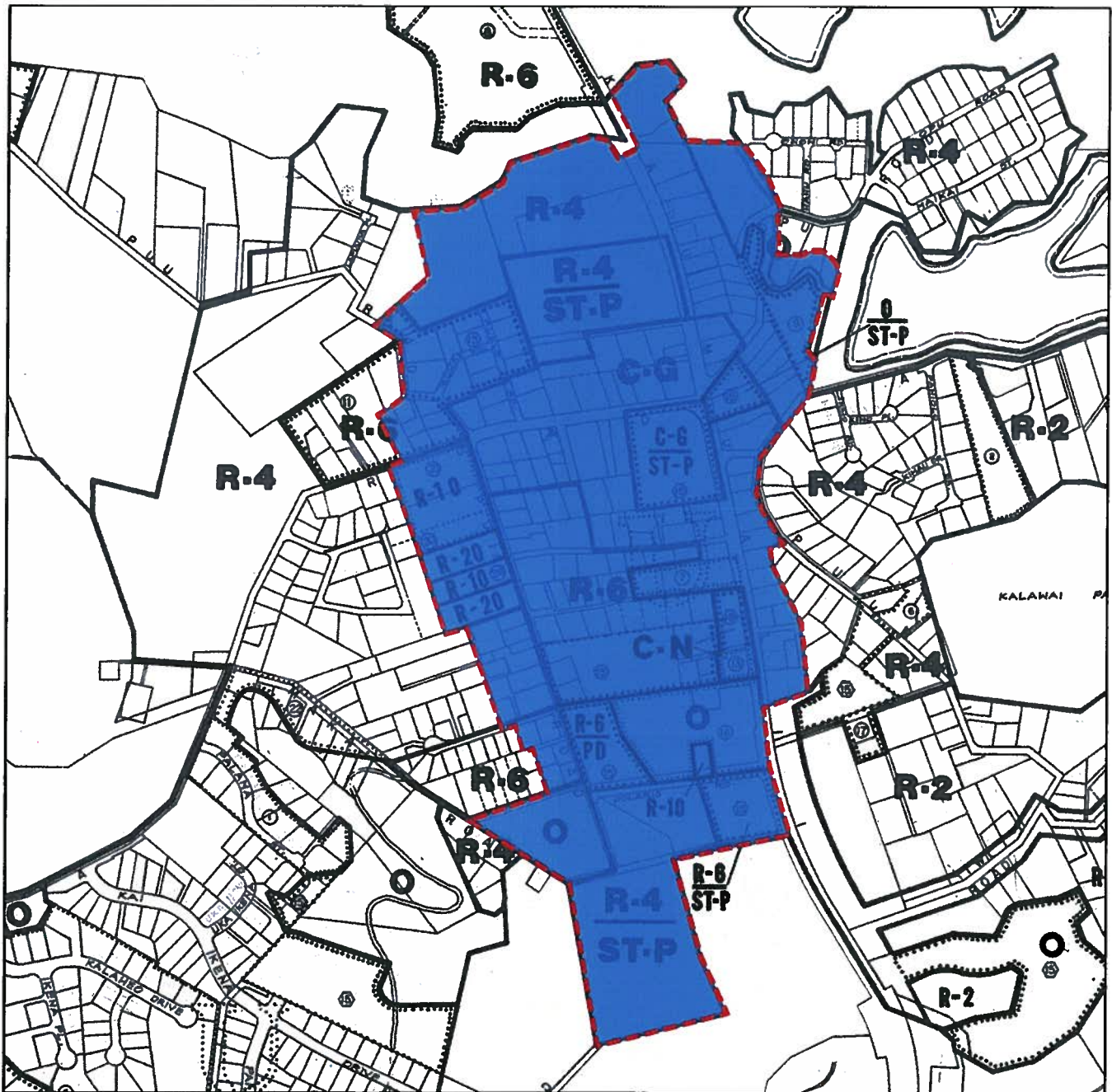


**LOCATION MAP SHOWING PROPOSED AMENDMENT TO ZONING MAP ZM-K0 300
ESTABLISHMENT OF SPECIAL PLANNING AREA – “H” (SPA-H)
Kōloa, Kauaʻi, Hawaiʻi**




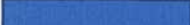
ZA-2015-1

EXHIBIT 2



**LOCATION MAP SHOWING PROPOSED AMENDMENT TO ZONING MAP ZM-KL 300
ESTABLISHMENT OF SPECIAL PLANNING AREA – "I" (SPA-I)
Kalāheo, Kauaʻi, Hawaiʻi**

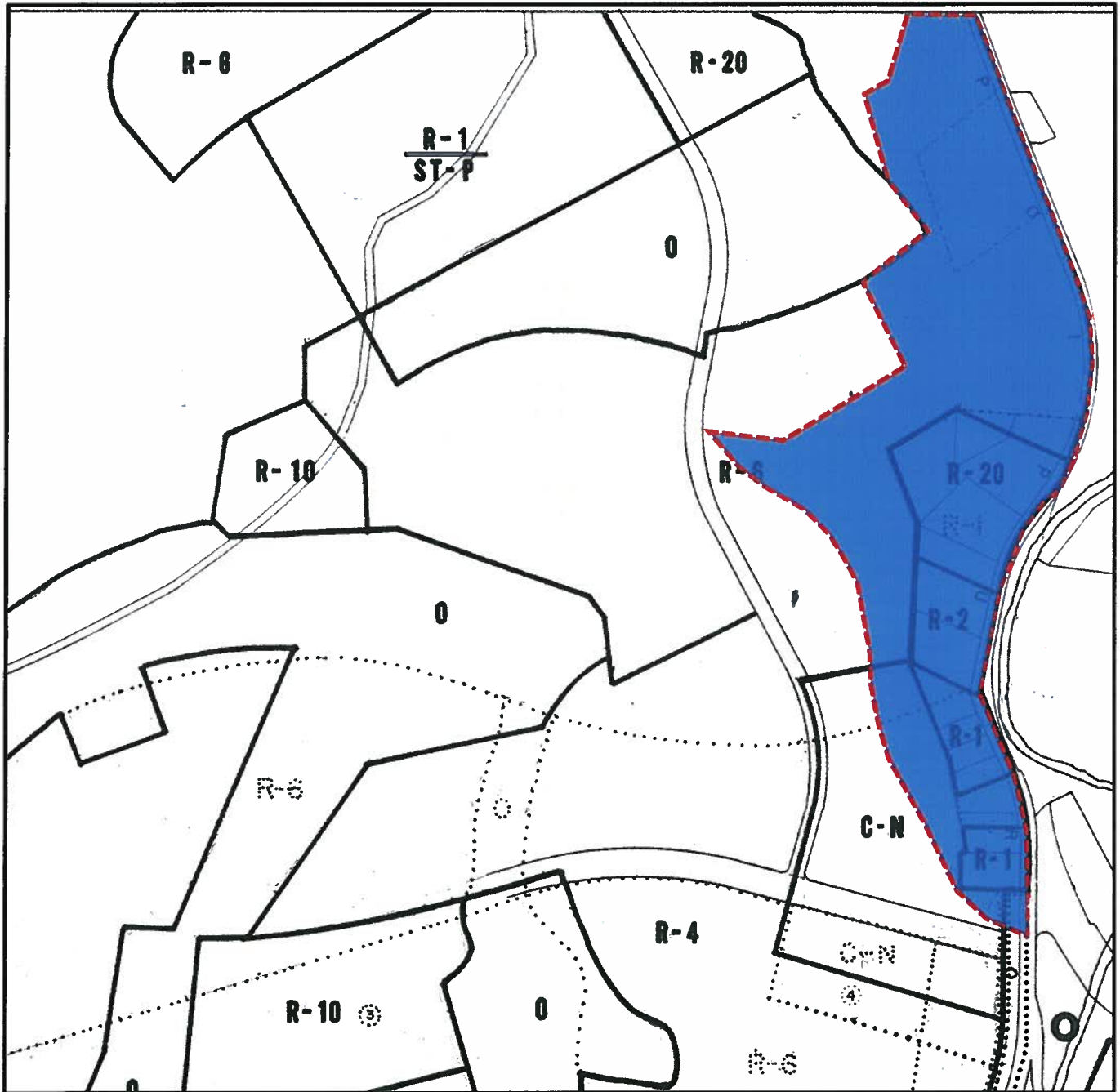
MAP LEGEND

SPA-I BOUNDARY = 
SPA-I OVERLAY = 

0 250 500 1,000 1,500
 Feet



ZA-2015-1


EXHIBIT 3



LOCATION MAP SHOWING PROPOSED AMENDMENT TO ZONING MAP ZM-KU 300
ESTABLISHMENT OF SPECIAL PLANNING AREA – "J" (SPA-J)
Po'ipū, Kaua'i, Hawai'i

MAP LEGEND

SPA-J BOUNDARY = 
SPA-J OVERLAY = 

0 250 500 1,000 1,500
 Feet

ZA-2015-1